

## CHAPTER 21 PROVISIONS FOR CONSTRUCTION OF ELECTRIC PLANT

Secs.	
2100	Commission Authority and Scope of Provisions
2101	Application Filing Requirements
2102	Form of Application
2103	Distribution of Application
2104	Phased Proceedings on the Application
2105	[Reserved]
2106	Project Coordinating Committee
2107-2109	[Reserved]
2110	Description of Generating Station
2111	Alternative Generating Station
2112	Overhead Transmission Line Filing Requirements
2113	Alternative Overhead transmission Line Routes
2114	Environmental Information
2115	Annual Report on Smaller Scale Construction
2116	Underground Transmission Lines in Excess of Sixty-Nine Thousand Volts and Substations Connected to Transmission Lines in Excess of Sixty-Nine Thousand Volts
2117 - 2147	[Reserved]
2148	Waivers and Modifications
2199	Definitions

### 2100 COMMISSION AUTHORITY AND SCOPE OF PROVISIONS

- 2100.1 Consistent with D.C. Code §43-1002 (1990 Repl. Vol.), all electric corporations doing business in the District of Columbia shall obtain Commission permission and approval before beginning the construction of any electric plant in the District of Columbia.
- 2100.2 This chapter shall, with the exception of §§2100.6 and 2100.7, apply to an electric corporation doing business in the District of Columbia applying for a Certificate of Public Convenience and Necessity for the construction in the District of Columbia of a generating station or an overhead transmission line designed to carry voltage of sixty-nine thousand (69,000) volts or over which will be used to service District of Columbia residents. Underground transmission lines in excess of sixty-nine thousand (69,000) volts or over and substations in the District of Columbia connected to transmission lines in the District of Columbia of sixty-nine thousand (69,000) volts will be regulated in accordance with to §2116 of this chapter.
- 2100.3 The Commission shall grant or deny an application for a certificate of public convenience and necessity only upon finding, after a hearing, if necessary, conducted in accord with 15 DCMR, Chapter 1, that the action is in the public interest. An electric corporation which plans to construct inside the District of Columbia an overhead transmission or electric plant of sixty-nine thousand (69,000) volts or over shall file formal notice with the Commission and the

over shall file formal notice with the Commission and the community advisory group, convened pursuant to §2114.1, six (6) months prior to the construction. Issues related to the need, prudence and whether the project qualifies as a least-cost option shall be considered in connection with the review or amendment of PEPCO's Least-Cost Plan.

- 2100.4 Failure to comply with the provisions of this chapter may result in a summary rejection of an applicant's request. A rejection may be without prejudice to the refiling of the application. The Commission may grant an application in whole or in part.
- 2100.5 [Repealed] 42 DCR 610, 612 (January 27, 1995).
- 2100.6 An electric corporation doing business in the District of Columbia which plans to construct a generating station or an overhead transmission line designed to carry sixty-nine thousand (69,000) volts or over in a state contiguous to the District of Columbia for which a Certificate of Public Convenience and Necessity is required by the state shall file with the Commission formal notice of this construction. This formal notice shall include the following information:
- (a) A general description of the generating station or transmission line;
  - (b) A statement indicating the capacity or voltage involved;
  - (c) A statement describing the site selected to construct the generating station or the area in which the transmission line would be located;
  - (d) A statement indicating any alternative sites which have been considered;
  - (e) An estimation of the cost involved;
  - (f) An estimated in-service date; and
  - (g) A statement indicating with which state or federal agency, commission or department, if any, an application for approval of construction has been or is intended to be filed.
- 2100.7 The formal notice required to be filed pursuant to §2100.6, shall be filed with the Commission on or before the date that the electric corporation files any application for approval of construction with a state or federal agency, commission or department.
- 2100.8 [Repealed] 42 DCR 610, 612 (January 27, 1995).
- 2100.9 This chapter shall, except for §§2100.6 and 2100.7, shall pertain to the construction of a new electric power plant, electric generating units or the construction of overhead transmission lines of sixty-nine thousand (69,000) volts or over in the District of Columbia. Unless specifically covered in this chapter, the requirement for a Certificate of Public Convenience and Necessity does not apply to routine repair and replacement activities to maintain an electric plant, generating unit or transmission line.



**AUTHORITY:** Unless otherwise noted, the authority for this chapter is Paragraph 97(b) of §8 of An Act Making appropriations to provide for the expenses of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and fourteen, and for other purposes, approved March 4, 1913 (37 Stat. 977); as amended by §2 of the Public Utilities Amendment Act of 1989, D.C. Law 8-47, D.C. Code 43-501 (1990 Repl. Vol.).

**SOURCE:** Final Rulemaking published at 40 DCR 8359 (December 3, 1993); as amended by Final Rulemaking published at 42 DCR 610 (January 27, 1995).

## **2101 APPLICATION FILING REQUIREMENTS**

**2101.1** An application for a Certificate of Public Convenience and Necessity for the construction of a generating station or overhead transmission line designed to carry a voltage sixty-nine thousand (69,000) volts or over shall include the following information:

- (a) The name and address of the principal place of business of the applicant;
- (b) The name, title, and address of the person authorized to receive notices and communications with respect to the application;
- (c) The location or locations where the public may inspect or obtain a copy of the application;
- (d) A list of each District of Columbia, state, or federal government agency having authority to approve or disapprove the construction or operation of the project and containing the following:
  - (1) A statement indicating whether the necessary approval from each agency has been obtained, with a copy of each approval or disapproval attached;
  - (2) A statement indicating the circumstances under which any necessary approval has not been obtained; and
  - (3) A statement indicating whether any waiver or variance has been requested, with a copy of each approval or disapproval attached;
- (e) A general description of the generating station under §2110, or the transmission line under §2112, and the alternatives considered under §§2111 and 2113, respectively;
- (f) The environmental information required under §2114;
- (g) A statement of the consequences of a delay or abandonment of the project;
- (h) A statement of the engineering justifications for the project;
- (i) A statement of the safety considerations incorporated into the design, construction, and maintenance of the project;
- (j) A statement of the socioeconomic impact of the project;

- (k) A statement of contacts with community groups and the affected community; and
- (l) A statement indicating whether the construction of the transmission line or generating station has been approved, or is under consideration, in connection with the review or amendment of the four-year action plan for PEPCO's most recent Least-Cost Plan.

SOURCE: Final Rulemaking published at 40 DCR 8359, 8361 (December 3, 1993).

## **2102 FORM OF APPLICATION**

2102.1 The original application shall be as follows:

- (a) Signed by a person having authority with respect to the application and having knowledge of the application; and
- (b) Verified under oath.

2102.2 All filings shall conform with the requirements of 15 DCMR §1. The Commission may, in its discretion, prescribe the form of the application.

SOURCE: Final Rulemaking published at 40 DCR 8359, 8363 (December 3, 1993).

## **2103 DISTRIBUTION OF APPLICATION**

2103.1 The applicant shall submit to the Commission an original and twenty-five (25) copies of the application.

2103.2 In addition to filing the application with the Commission, the applicant shall simultaneously mail one copy to the following agencies:

- (a) The District of Columbia Office of the People's Counsel;
- (b) The District of Columbia Department of Public Works;
- (c) The District of Columbia Corporation Counsel;
- (d) The Board of Zoning Adjustment;
- (e) The Office of Intergovernmental Relations;
- (f) The District of Columbia Energy Office;
- (g) The Metropolitan Washington Council of Governments, if affected;
- (h) The District of Columbia Zoning Commission;
- (i) The District of Columbia Department of Administrative Services;

- (j) The General Services Administration of the United States;
  - (k) The Department of Consumer and Regulatory Affairs;
  - (l) The Mayor's Office of Policy and Education;
  - (m) The U.S. Environmental Protection Agency - D.C. Field Office;
  - (n) The National Capital Planning Commission; and
  - (o) PEPCO, if PEPCO is not the applicant.
- 2103.3 The applicant shall also mail a copy of the application to any other District of Columbia or federal agency that may be affected.
- 2103.4 The applicant shall provide notice to the public of its application consistent with the requirements of D.C. Code §43-609 (1990 Repl. Vol.).
- 2103.5 The applicant shall mail a copy of the application to the Advisory Neighborhood Commission of the community in which the generating station or transmission line is to be located.

SOURCE: Final Rulemaking published at 40 DCR 8359, 8363 (December 3, 1993).

#### **2104 PHASED PROCEEDINGS ON THE APPLICATION**

- 2104.1 The applicant may request that the project be reviewed by the Commission in two (2) or more phases. The Commission may, on its own initiative, direct that the application be considered in two (2) or more phases.
- 2104.2 If phased proceedings are approved by the Commission, the proceedings shall proceed as follows:
- (a) An applicant may file a partial application;
  - (b) The Commission may render separate findings of fact on any phase or issue within a phase; and
  - (c) Findings of fact shall be final pursuant to D.C. Code §43-905(a) (1990 Repl. Vol.), and may not be subject to further litigation unless warranted by new substantive issues or changed circumstances.
- 2104.3 In its discretion, the Commission may accept the validity of records created by another commission or agency.
- 2104.4 In order to assure timely completion of the proceedings, the Commission may impose a schedule of procedural dates which are subject to change only for good cause shown.



SOURCE: Final Rulemaking published at 40 DCR 8359, 8364 (December 3, 1993).

**2105 [RESERVED]**

**2106 PROJECT COORDINATING COMMITTEE**

2106.1 To form a project coordinating committee, the following procedures shall be followed:

- (a) A written request may be filed with the Commission within fifteen (15) days of the filing of an application;
- (b) The Commission shall rule on the request within thirty (30) days from the date of the request; and
- (c) The chairperson of the committee shall convene the committee within fifteen (15) days of the Commission's approval of the request.

2106.2 The committee shall consist of the following members:

- (a) A chairperson, who shall be designated by the Commission;
- (b) A representative or representatives of the applicant;
- (c) A representative from the Office of the People's Counsel, if a notice of intent to participate on the committee is filed within ten (10) days of the date of the filing of a request to form a project coordinating committee;
- (d) A representative or representatives from each District of Columbia agency which has as follows:
  - (1) Authority to issue a license, permit, or authorization before the construction or operation of the project; or
  - (2) A direct interest in the project; and
- (e) If designated by the chairperson of the committee, a representative or representatives of federal agencies which have authority to issue a license, permit, or authorization for the construction or operation of the project.

2106.3 The function of the committee shall be as follows:

- (a) To coordinate the activities of the agencies listed in §2106.2 that are involved in the review of the project;
- (b) To develop a coordinated time schedule for the following:

- (1) Review of the application by each committee member's agency; and
  - (2) Presentation of comments, requirements, and any recommendations by each of these agencies;
  - (c) Provide to the Commission the following:
    - (1) A list of proposed issues to be addressed in an application;
    - (2) A list of proposed analyses or studies to be included in an application;
    - (3) Recommendations concerning the timing, preparation, and submission of required materials; or
    - (4) Recommendations concerning compliance with the requirements of each committee member's agency.
- 2106.4 The committee shall operate in a manner to minimize delay and avoid unnecessary cost.
- 2106.5 The committee shall not have authority to do the following:
- (a) Approve or disapprove an application;
  - (b) Approve or disapprove proposed studies of an electric corporation;
  - (c) Require or prohibit any action by a committee member; or
  - (d) Require or prohibit any expenditure by a committee member.

SOURCE: Final Rulemaking published at 40 DCR 8359, 8365 (December 3, 1993).

**2107 - 2109 [RESERVED]**

**2110 DESCRIPTION OF GENERATING STATION**

- 2110.1 The description of the generating station shall include the following:
- (a) Location;
  - (b) All important design and engineering features, including fuel requirements, heat rates, emission rates, space requirements, transportation facilities, water requirements and transmission requirements;
  - (c) Operational features, including operation and maintenance personnel and equipment;

- (d) The schedule for engineering, construction, and operation of the generating stations;
- (e) The impact of the proposed generating station on system operations, reliability, reserve margins, and capacity factors;
- (f) A statement of the reasons for the selection of the design and the site of the generating station, including the location and identification of the following sites from which the project would be clearly visible:
  - (1) Residential structures;
  - (2) Historical structure and land sites;
  - (3) Institutional land, including school hospitals, and pre-school facilities;
  - (4) Recreational area;
  - (5) Aesthetic;
  - (6) Archaeological;
  - (7) Wildlife management area; and
  - (8) Park or forest; and
- (g) A description of the consequences if the project is delayed or not approved.

SOURCE: Final Rulemaking published at 40 DCR 8359, 8366 (December 3, 1993).

## **2111 ALTERNATIVE GENERATING STATION**

2111.1 The description of each alternative design or site considered for a generating station shall include the following:

- (a) An estimate of the capital and annual operating cost of each alternative design or site for the generating station; and
- (b) The reasons for rejecting each alternative design or site.

SOURCE: Final Rulemaking published at 40 DCR 8359, 8367 (December 3, 1993).

## **2112 OVERHEAD TRANSMISSION LINE FILING REQUIREMENTS**

2112.1 The application for a proposed transmission line shall include the following:

- (a) A description of the effect of the project on system stability and reliability;
- (b) A description of the consequences if the project is delayed or not approved;



- (c) A statement regarding the probability that the consequences of §2112.1(c) will occur;
  - (d) A description of the applicant's transmission planning criteria; and
  - (e) A description of one-line diagrams regarding the power flows relied upon which determined the need for the proposed line.
- 2112.2 The description of the proposed transmission line shall include, to the extent feasible at the time of application, the following:
- (a) Engineering and construction features including the following:
    - (1) Width, length, and total acreage of the right-of-way,
    - (2) Line voltage;
    - (3) Number of circuits;
    - (4) Number of circuits per structure;
    - (5) Structure type and dimensions;
    - (6) Conductor configuration and size;
    - (7) Nominal capacity (MA);
    - (8) Nominal length of span between structures; and
    - (9) Description and dimensions of any related conduit;
  - (b) Property or property right acquired or to be acquired;
  - (c) Access roads for construction or maintenance either existing or to be built;
  - (d) Location and identification of the following sites, from which the project would be clearly visible:
    - (1) Historical;
    - (2) Institutional land, including school hospitals, and pre-school facilities;
    - (3) Recreational area;
    - (4) Aesthetic;
    - (5) Archaeological;
    - (6) Wildlife management area;

- (7) Park or forest; and
- (8) Residential;
- (e) Location and identification of all portions or the right-of-way requiring construction within the one hundred (100) year floodplain of any stream;
- (f) Location and identification of any public airport one mile (1) or less from the transmission line; and
- (g) Depiction on suitable topographic map (minimum one inch (1) - two thousand feet (2,000 ft.)) of §§2112.3(b)-(f) through 2112.3(f).

SOURCE: Final Rulemaking published at 40 DCR 8359, 8368 (December 3, 1993).

### **2113 ALTERNATIVE OVERHEAD TRANSMISSION LINE ROUTES**

- 2113.1 The description of each alternative route considered for the transmission line shall include the following:
- (a) An estimate of the capital and annual operating cost of each alternative route; and
  - (b) A statement of the reason why each alternative route was rejected.

SOURCE: Final Rulemaking published at 40 DCR 8359, 8369 (December 3, 1993).

### **2114 ENVIRONMENTAL INFORMATION**

- 2114.1 In order to inform and educate the community regarding the construction and operation of any proposed project, the applicant shall convene a community advisory group.
- 2114.2 The applicant shall notify the public of the opportunity to participate in the community advisory group in conjunction with the notice of application required in §2103.4 of this chapter.
- 2114.3 The membership of the community advisory group shall include the following representatives:
- (a) The applicant;
  - (b) Staff, which shall chair all meetings of the group;
  - (c) The Advisory Neighborhood Commission of the community where the power plant or transmission line is to be located;
  - (d) Interested members of the public; and
  - (e) Any other persons the Commission deems appropriate.

- 2114.4 The advisory group shall disseminate information to the community regarding the construction and operation of the proposed project.
- 2114.5 The advisory group shall convene public meetings to maintain a dialogue with and inform and educate the community regarding the construction and operation of the proposed project.
- 2114.6 The advisory group shall not be authorized to take any specific action with respect to the construction or operation of the proposed project.
- 2114.7 In addition to the EIS submitted by the applicant, the Commission shall employ, and other interested persons may retain, an independent technical agent to conduct an EIS. The independent technical agent shall perform the same analysis required of the applicant.
- 2114.8 The EIS submitted by the applicant shall include, at a minimum, the nature of the proposed action, including descriptions of the following:
- (a) The current situation as required in §2114.9;
  - (b) The proposed action as required in §2114.10; and
  - (c) Related experience in other urban areas as required in §2114.11.
- 2114.9 The applicant shall submit the following information, at a minimum, to describe the current situation:
- (a) A technical description of the current use of the proposed site;
  - (b) Annual and monthly hours of operation over the five (5) year period preceding the date of application;
  - (c) An explanation of any atypical or poor operating experience over the five (5) year period preceding the date of application. Included in any submission shall be an assessment of the possible consequences of atypical or poor operating experience in the future;
  - (d) An analysis of the environmental impacts listed in §2114.16, including all environmental test results used to measure those impacts over the five (5) year period preceding the date of application;
  - (e) The applicant shall document that the environmental impacts resulting from the current situation comply with all applicable environmental regulations; and if not, what efforts will be made to ensure compliance; and
  - (f) Any other information relevant to the characteristics of the current situation.



- 2114.10 The applicant shall submit the following information regarding the proposed action:
- (a) A technically complete and detailed description of the proposed action which shall include, at a minimum, the following:
    - (1) A description of the core facility; and
    - (2) All ancillary facilities, including on-site fuel and other material storage and cooling towers, as well as changes in off-site substations, transmission lines, and waste storage and disposal facilities.
  - (b) A breakdown of the core and ancillary facilities by each component having a potential for environmental impact;
  - (c) A technical description characterizing the equipment design and operation of the proposed action, which includes, at a minimum, the following information:
    - (1) Equipment specifications by component;
    - (2) Fuel use, by type over project life;
    - (3) Maximum and expected kw and kwh generation or transmission each year over project life;
    - (4) Maximum and expected production of outputs and products other than electricity each year over project life;
    - (5) Any relevant maps, plats or layouts; and
  - (d) An executive summary which describes the proposed action, using non-technical terminology.
- 2114.11 The EIS shall include information in the form of a list and description of the experience with the type of action proposed in either the District of Columbia or other, similar urban areas.
- 2114.12 An environmental adder to electric plants shall be considered in the context of PEPCO's least-cost planning process.
- 2114.13 The applicant shall demonstrate the need for a proposed action in the context of the other outputs and products the proposed action will produce other than electricity.
- 2114.14 The applicant shall demonstrate the need for the proposed action in the context of applicable environmental plans, including the following:
- (a) The District of Columbia Comprehensive Plan; and

- (b) Any plans developed to assure the area attains federal ambient air quality standards for ozone and carbon monoxide, as well as any other emissions for which the District may be in a state of non-compliance.
- 2114.15 The applicant shall analyze whether the proposed action contributes in some substantial way to the attainment of the goals of the environmental plans addressed in §2114.14.
- 2114.16 The EIS shall evaluate the following potential environmental impacts at a minimum:
  - (a) Air quality, NAAQS. The analysis of air quality shall include an analysis of the following six (6) criteria pollutants in the context of National Ambient Air Quality Standards:
    - (1) Sulfur dioxide;
    - (2) Nitrogen oxides;
    - (3) Carbon monoxide;
    - (4) Particulate matter (PM and PM10);
    - (5) Ozone; and
    - (6) Lead.
  - (b) Air Quality, other emissions: The analysis of air quality shall include all other emissions regulated for the utility industry under the Federal Clean Air Act;
  - (c) Surface and ground water resources. The analysis of surface and ground water resources shall include the following:
    - (1) Water availability; and
    - (2) Water quality, including discharge, storm water runoff, and potential spill events.
  - (d) Land use, socioeconomic, and aesthetic conditions: The analysis of these items shall evaluate, at a minimum, the following:
    - (1) Appropriate zoning and compatibility with adjacent land use;
    - (2) Impact on traffic;
    - (3) Impact on cultural and historical resources; and
    - (4) Visibility impacts in terms of air pollution effects and aesthetics.

- (e) Noise conditions: The analysis of noise shall include the following:
    - (1) A complete review of standards that will be met;
    - (2) The points of measurement for noise impacts;
    - (3) A comparison of the impact of the action to common outdoor sounds at that location; and
    - (4) A complete explanation of the methodology used for the noise impact measurements;;
  - (f) Aquatic and terrestrial ecology resources: The analysis of aquatic and terrestrial ecology shall evaluate the impact upon the following:
    - (1) Fish;
    - (2) Wildlife;
    - (3) Vegetation; and
    - (4) Direct discharges into surface waters and impact on wetland habitats; and
  - (g) Electric and magnetic fields (EMF): Until applicable laws governing EMF are enacted, the applicant shall submit the following information:
    - (1) An update of the general research on the health effects of EMF;
    - (2) The relationship of the proposed action to the increase or decrease of EMF, including any mitigating measures which could be employed to decrease EMF;
    - (3) Applicant's efforts to measure and better understand background EMF in the communities affected by the proposed action; and
    - (4) If and when laws are enacted, then the EIS shall demonstrate compliance with all applicable laws;
- 2114.17 The applicant shall demonstrate the manner in which it will achieve compliance with the acid rain provisions of the 1990 Amendments to the Federal Clean Air Act and any amendments enacted subsequent to the publication of this chapter.
- 2114.18 Until specific law is enacted regarding the emission of greenhouse gases, the applicant shall report the greenhouse gas emissions of the proposed action and the cost of possible mitigation through control or compensation. If and when a law is enacted, then the analysis will address compliance with that law.
- 2114.19 Impacts of the items set forth in §2114.16 shall be analyzed for all components at all stages of project life including the following:



- (a) Construction;
  - (b) Operation; and
  - (c) Retirement.
- 2114.20 The analysis of each of the items set forth in §2114.16 shall include the following information:
- (a) A list of applicable regulations. The list shall identify the component of the proposed facility affected, the official designation of the regulation, and the agency responsible for enforcing the regulation;
  - (b) An analysis of the environmental impacts resulting from current site use (or base line conditions if there is no existing facility at the site);
  - (c) The potential environmental impacts resulting from the proposed action; and
  - (d) A demonstration that the parties proposing the action, and those that will implement the action, have the qualifications to design, build, operate, and retire any planned facility.
- 2114.21 The applicant shall provide an analysis of the mitigation and externalities for the potential environmental impacts set forth in §2114.16. For each impact the explanation shall include the following information:
- (a) A statement demonstrating that the proposed action will comply with all regulations applicable to the design, construction, operation and retirement of the proposed electric power plant or transmission facility;
  - (b) An analysis of the requirements that must be met to comply with the applicable regulations; and
  - (c) A statement of whether the required permit, license, or other such authority has been secured and, if not, why not.
- 2114.22 The applicant shall indicate any steps taken, or to be taken, to mitigate the environmental impacts of the proposed action. These include steps taken either to comply with applicable regulations or to mitigate beyond the level required by regulations. Mitigation may include avoiding an impact altogether, minimizing an impact by limiting the scale of the action, rectifying an impact, reducing an impact through the addition of equipment or limitations on operations, or compensating for the impact. Any and all studies on mitigation must be made available as part of the EIS submission.
- 2114.23 In the context of all applicable regulations, the EIS shall discuss whether there are any adverse effects from externalities on the public health, welfare, and safety of the citizens of the District of Columbia.

2114.24 The EIS shall include evaluations of the full range of alternatives to the proposed action. The evaluation shall include, but is not limited to, a comparison of the environmental consequences of the alternative to that for the proposed action. The evaluation shall state the reasons the alternative was rejected in favor of the proposed action. At a minimum, the evaluation shall include the following alternatives:

- (a) Alternative sites for the proposed action, including the alternative of building a stand alone power plant inside or outside the District. For transmission lines, alternative routes are the alternative sites that must be evaluated;
- (b) Alternative technologies for the proposed action, including supply-side and demand-side alternatives; and
- (c) Alternative environmental control strategies for the proposed action. The strategies shall include the following:
  - (1) Alternative designs;
  - (2) Equipment configurations; and
  - (3) Operating plans.

2114.25 The EIS shall include a statement as to whether the proposed action involves any irreversible and irretrievable commitment of resources.

*Examples include the following:*

- (a) *A commitment to use fossil fuels; and*
- (b) *The use of previously undeveloped land for a power plant site or a transmission line right of way.*

2114.26 The EIS shall document the effect of the proposed action on energy use and conservation.

2114.27 The EIS shall include an analysis indicating whether the proposed action results in a net environmental benefit. Both direct and indirect environmental impacts may be used in the demonstration. For direct environmental impacts, the most acceptable demonstration is that the proposed action, as compared to the current situation, actually leads to a reduction in environmental impacts. For indirect impacts, the EIS may demonstrate that environmental impacts are reduced for some other activity beyond the scope of the proposed action.

*Examples of an analysis of net indirect environmental benefits include the following:*

- (a) *The purchase of air pollution offsets at another existing facility in the District of Columbia so that the proposed action results in a net reduction in the District of Columbia in some air pollutants; and*



- (b) *The proposed facility providing fuel for electric or gas vehicles which, as compared to conventional vehicles, emit less air pollution; the net environmental impact would then be in the form of the reduction of air pollution emissions by displacing conventional vehicles with low-pollution vehicles.*
- 2114.28 The applicant shall submit an analysis of the cumulative risk of adverse health effects which includes the following:
- (a) Hazard Assessment: The hazard assessment identifies the pollutants that cause health risk concerns. The types of health risks which must be analyzed include the following:
    - (1) Cancer risks;
    - (2) Chronic non-cancer risks; and
    - (3) Acute non-cancer risks.
  - (b) Exposure Assessment: The exposure assessment identifies the population at risk and the extent of exposure. Conservative assumptions shall be used in the exposure assessment. Exposure via multiple pathways shall include the following:
    - (1) Inhalation;
    - (2) Ingestion; and
    - (3) Dermal contact;
  - (c) Risk Computation: The risk computation shall set the criteria by which risks will be judged. When technology-based or health-based standards are available from the District of Columbia or the federal government, then those standards set the criteria to be used in the risk computation. For cancer health risks, the applicant shall analyze the computed risk for cancer related health risks, against both a one in one hundred thousand and a one in one million standard;
  - (d) Cumulative Risk Computation: The applicant shall explain and justify the extent to which risks reflect any possible interaction of one pollutant with another or the possible accumulation of pollutants from the proposed action with existing sources of pollutants. At a minimum, the applicant shall accumulate the lifetime health risk by pathway for the most exposed individual for pollutants attributable to all facilities affected by the proposed action when operated to the maximum extent possible. The applicant shall inform the Commission with respect to any interaction with existing environmental impacts (or baseline conditions) which would aggravate or diminish the incremental environmental impact of the proposed action; and
  - (e) Uncertainty Assessment: The conservatism of the assumptions used in paragraphs (a) through (d) of this subsection shall be fully explained and justified.



- 2114.29 The Commission may require additional assessments depending on the particular characteristics of the proposed action.
- 2114.30 All models and assumptions used by the applicant shall be fully documented and justified.
- 2114.31 Based upon the EIS, cumulative risk of adverse health effects and any other relevant information, if the proposed action may create an unacceptable risk of adverse health effects, the Commission shall require the additional analysis required in D.C. Code §§43-1903 (c) (1)-(3) (1990 Repl. Vol.).
- 2114.32 The project coordinating committee established under §2106.3 of this chapter shall coordinate the activities of the agencies in preparation of any EIS or supplemental EIS which may be required pursuant to D.C. Code §§6-981 to 6-990 (1995 Repl. Vol.), or any other applicable statute.

SOURCE: Final Rulemaking published at 40 DCR 8359, 8369 (December 3, 1993).

## **2115 ANNUAL REPORT ON SMALLER SCALE CONSTRUCTION**

- 2115.1 Electric corporations operating in the District of Columbia shall submit an annual report, on or before February 15th of each calendar year, which summarizes smaller-scale construction and the costs associated with each project undertaken by the corporation during the preceding year.

SOURCE: Final Rulemaking published at 40 DCR 8359, 8379 (December 3, 1993).

## **2116 UNDERGROUND TRANSMISSION LINES IN EXCESS OF SIXTY-NINE THOUSAND VOLTS AND SUBSTATIONS CONNECTED TO TRANSMISSION LINES IN EXCESS OF SIXTY-NINE THOUSAND VOLTS**

- 2116.1 The Commission shall regulate underground transmission lines in excess of sixty-nine thousand (69,000) volts and substations connected to transmission lines in excess of sixty-nine thousand (69,000) volts in accordance with §2116. Other provisions of this chapter shall not apply to underground substations and underground transmission lines.
- 2116.2 An electric corporation which plans to construct inside the District of Columbia an underground transmission line in excess of sixty-nine thousand (69,000) volts or substation connected to a transmission line in excess of sixty-nine thousand (69,000) volts shall file formal notice with the Commission six (6) months prior to the construction. This formal notice shall include a discussion of the following:
- (a) The name and address of the principal place of business of the electric corporation;
  - (b) The name, title, and address of the person authorized to receive notices and communications with respect to the application;

- (c) The location or locations where the public may inspect or obtain a copy of the application;
  - (d) A list of each District of Columbia, state, or federal government agency having authority to approve or disapprove the construction or operation of the project and containing the following:
    - (1) A statement indicating whether the necessary approval from each agency has been obtained, with a copy of each approval or disapproval attached;
    - (2) A statement indicating the circumstances under which any necessary approval has not been obtained; and
    - (3) A statement indicating whether any waiver or variance has been requested, with a copy of each approval or disapproval attached;
  - (e) The proposed date construction is to be initiated;
  - (f) The need for the underground transmission line or substation;
  - (g) The type and voltage level(s) of the underground transmission line or substation;
  - (h) Property or property right acquired or to be acquired;
  - (i) Location of the proposed construction, including affected streets by name;
  - (j) Duration of the proposed construction;
  - (k) Impact of the proposed project on affected neighborhood and community; and
  - (l) Possible mitigating measures which could be employed to minimize impact upon the affected neighborhood or community.
- 2116.3 All information required in §2116.2 shall be served on the affected Advisory Neighborhood Commission(s) and the Office of the People's Counsel on the same date it is filed with the Commission.
- 2116.4 The Commission shall entertain petitions filed by any interested person within ninety (90) days of the date of a formal notice provided under §2116.2 for the Commission to investigate the reasonableness, safety and need for the underground transmission line or substation.
- 2116.5 If the Commission initiates an investigation, the electric corporation shall submit a detailed analysis of the information required in §2116.2. The electric corporation shall also submit the following information:
- (a) An explanation of the need for and the cost-effectiveness of the project in meeting demand for service;



- (b) A description of the effect of the project on system stability and reliability;
- (c) A description of the consequences if the project is delayed or not approved;
- (d) A statement regarding the probability that the consequences of §2116.5(c) will occur;
- (e) A description of the applicant's transmission planning criteria;
- (f) A description of one-line diagrams regarding the power flows relied upon which determined the need for the proposed line;
- (g) Engineering and construction features including the following:
  - (1) Width, length, and total acreage of the right-of-way;
  - (2) Line voltage;
  - (3) Number of circuits;
  - (4) Number of circuits per structure;
  - (5) Structure type and dimensions;
  - (6) Conductor configuration and size;
  - (7) Nominal capacity (MA);
  - (8) Nominal length of span between structures; and
  - (9) Description and dimensions of any related conduit;
- (h) Location and identification of all portions of the right-of-way requiring construction within the one hundred (100) year floodplain of any stream;
- (i) The description of each alternative route considered for the transmission line and alternative placement of a substation shall include the following:
  - (1) An estimate of the capital and annual operating cost of each alternative route or placement; and
  - (2) A statement of the reason why each alternative route or placement was rejected;
- (j) An analysis of potential impact upon the environment; and
- (k) Engineering and construction features of the alternative underground transmission line including the following:
  - (1) Width, length, and total acreage of the right-of-way,



- (2) Line voltage;
- (3) Number of circuits;
- (4) Number of circuits per structure;
- (5) Structure type and dimensions;
- (6) Conductor configuration and size;
- (7) Nominal capacity (MA);
- (8) Nominal length of span between structures; and
- (9) Description and dimensions of any related conduit.

2116.6 If no petition is submitted prior to the proposed date of construction, PEPCO may begin construction pursuant to permits it receives from other District of Columbia agencies such as the Department of Public Works.

SOURCE: Final Rulemaking published at 40 DCR 8359, 8379 (December 3, 1993).

## 2117 - 2147 [RESERVED]

## 2148 WAIVERS AND MODIFICATIONS

- 2148.1 The Commission may, in its discretion, waive or modify any provision of this chapter and may also impose additional requirements, as circumstances warrant.
- 2148.2 The applicant may, at the time of application, request that the Commission waive any provision in this chapter for good cause shown.

SOURCE: Final Rulemaking published at 40 DCR 8359, 8382 (December 3, 1993).

## 2199 DEFINITIONS

- 2199.1 When used in this chapter, the following terms and phrases shall have the meaning ascribed:

**Aesthetic Site** - a site whose aesthetic nature is of general public interest or is officially recognized by a District of Columbia or federal agency charged with responsibility to oversee the protection of the environment.

**Applicant** - an electric corporation applying for a Certificate of Public Convenience and Necessity.

**Application** - a request for a Certificate of Public Convenience and Necessity for the construction of an electric generating station or overhead transmission line designed to carry a voltage of sixty-nine thousand (69,000) volts or over.

**Archaeological Site** - a site within the District of Columbia yielding artifacts, structural remains, or evidence of occupation or use before the year 1900 as designated by the agency or governmental unit with responsibility for archaeological sites.

**Certificate of Public Convenience and Necessity** - an order issued by the Commission on application of an electric corporation granting such corporation the right to construct an electric plant or transmission line.

**Cogenerator** - a power producer which qualifies as a cogenerator under the Public Utility Regulatory Policies Act of 1978.

**Commission** - Public Service Commission of the District of Columbia.

**Committee** - the project coordinating committee.

**Construction** - any clearing of land, excavation, or other action that would affect the natural environment of the site or route of a bulk power supply facility. Construction is not a change needed for temporary use of a site or route for a non-utility purpose or for use in securing geological data, including borings necessary to ascertain foundation conditions.

**Current Situation** - another electric plant, overhead transmission line, other structure, facility or use which the proposed action will replace or otherwise affect.

**Electric Corporation** - pursuant to D.C. Code §43-215 (1990 Repl. Vol.), an electric corporation includes an electric utility, cogenerator, small power producer, or independent power producer doing business in the District of Columbia.

**Electric Plant** - generating facilities or transmission lines to be used in connection with or to facilitate the generation, transmission, and distribution, sale or furnishing of electricity of sixty-nine thousand (69,000) volts or over, including cogeneration facilities, small power projects, independent power projects and PEPCO-owned electric plants.

**EIS** - Environment impact statement pursuant to D.C. Code §43-1901 *et seq.* (1990 Repl. Vol.).

**Environmental Impacts** - impacts upon the environment as defined by D.C. Code §43-1901 *et seq.* (1990 Repl. Vol.).

**Externality** - any environmental impact which remains after mitigation.

**Generating Station** - property or facilities constituting an integral plant or unit for the production of electric energy, including any new production unit that would be added to an existing production plant.

**Greenhouse Gas** - any gas commonly deemed to contribute to global warming, including carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), chlorofluorocarbons (CFCs) and nitrous oxide (NOX).



**Historical Site** - a site within the District of Columbia duly registered by the: *District of Columbia Historical Trust; National Register of Historic Places; National Register of Natural Landmarks; Register of National Historic Landmarks; and National Trust for Historic Preservation* or any other agency as may be recognized by the Public Service Commission of the District of Columbia.

**Independent Power Producer** - a non-traditional public utility which produces and sells electricity but has no significant market power; lacks significant market power as a supplier of energy and capacity because it does not have captive customers; and has limited or no control of transmission facilities essential to their customers; or as defined under applicable law(s).

**Pepco** - the Potomac Electric Power Company or any successor in interest.

**Plan** - a comprehensive and interrelated set of actions for meeting the forecasted electrical demand for the twenty (20) year period from the date of the application.

**Project** - a proposed generating station or transmission line designed to carry voltage of sixty-nine thousand (69,000) volts or over.

**Proposed Action** - an action as defined by D.C. Code §43-1901 *et seq.* (1990 Repl. Vol.).

**Small Power Producer** - a power producer which qualifies as a small power producer under the public utility regulatory policies act of 1978.

**Smaller-Scale Construction** - any construction project which involves providing electricity to a customer for which a Certificate of Public Convenience and Necessity is not required pursuant to this chapter.

**Socio-economic Impacts** - existing patterns of population concentration, distribution, or growth, and existing community or neighborhood characteristics, including traffic patterns and noise levels.

**Substation** - a plant which is used to alter the voltage of electricity. For the purposes of this chapter, substation must be connected to a transmission line of sixty-nine thousand (69,000) volts or over.

**Transmission Line** - property or facilities constructed as an overhead transmission line designed to carry a voltage of sixty-nine thousand (69,000) volts or over, or an underground transmission line designed to carry in excess of sixty-nine thousand (69,000) volts.

**SOURCE:** Final Rulemaking published at 40 DCR 8359, 8382 (December 3, 1993).



